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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,964	11/26/2003	Sarvesh Asthana	871.0117.U1(US)	8994
29683 7590 05/23/2008 HARRINGTON & SMITH, PC 4 RESEARCH DRIVE SHELTON, CT 06484-6212				
EXAMINER RYMAN, DANIEL J				
ART UNIT 2616		PAPER NUMBER		
MAIL DATE 05/23/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/722,964

Applicant(s)

ASTHANA, SARVESH

Examiner

DANIEL J. RYMAN

Art Unit

2616

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-32 and 34-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-4 and 6-22 is/are allowed.
- 6) ☒ Claim(s) 5, 23-32 and 34-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Regarding the objection to page 3, line 4 of the Specification, Applicant correctly notes that the Specification at page 3, line 4 does state “SS-7”. Response, p. 12. As such, Applicant implicitly submits that the objection should be dropped. *See id.* However, Examiner respectfully submits that the “SS_7” in the objection was a typographical error on the part of Examiner, such that Examiner did not intend for Applicant to change “SS_7” to “SS-7”. Instead, Examiner intended the objection to require Applicant to add the reference number “63” after the phrase “SS-7 (signaling system seven)”. Therefore, Examiner has maintained objection to the Specification.
2. Applicant's arguments with respect to claims 23-32 have been considered but are moot in view of the new ground(s) of rejection.

Specification

3. The disclosure is objected to because of the following informalities: on page 3, line 4 “SS-7 (signaling system seven) network” should be “SS-7 (signaling system seven) network 63”.
Appropriate correction is required.

Claim Objections

4. Claim 5 is objected to because of the following informalities: in line 2 “with the MS” should be “of the MS”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 34-39 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

7. Claims 34-37 require the use of software to implement the functionality of the MS, the BS, the PCF, the PDSN, and the AAA server. While page 8, line 25 through page 9, line 27 of the Specification discloses using software to implement the functionality of the MS, Examiner cannot find support in the Specification for using software to implement the functionality of the BS, the PCF, the PDSN, and the AAA server. As such, the Specification fails to enable at least the triggering operation of claim 34 and the sending operation of claim 37.

8. In addition, claim 37 requires that a single computer readable memory include instructions to have a BS send messages to a PCF, to have a PCF send messages to a PDSN, and to have a PDSN send messages to an AAA server. In essence, this requires that a single device that contains the computer readable medium control the BS, the PCF, the PDSN, and the AAA server to perform certain operations. In figure 4 of the Specification, Applicant discloses that these devices are separate and distinct from one another, such that a single device does not control the BS, the PCF, the PDSN, and the AAA server. As such, claim 37 is not enabled.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 5, 23-32, and 34-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. Claim 5 recites the limitation “where detecting comprises” in line 1. There is insufficient antecedent basis for this limitation in the claim. Claim 2, which claim 5 depends upon, has been amended to eliminate the “detecting” step. Examiner suggests that Applicant change “where detecting comprises receiving a sub-paging zone identifier” to “where the message comprises a sub-paging zone identifier”. If this change is made, Applicant should also make appropriate changes to the phrase “detecting that the MS . . .” to clearly set forth how this step relates to the steps of claim 2.

12. Claim 23 currently recites:

[a] BS for sending a message to a Packet Control Function PCF, said PCF, in response to receiving the message from the BS, for sending a message to a Packet Data Serving Node PDSN, said PDSN, responsive to receiving the message from the PCF, for sending a message to a home Authentication, Authorization and Accounting AAA server, said home AAA server recording information that is indicative of a current location of the MS.

This recitation sets forth functionality for a BS, a PCF, a PDSN, and an AAA server. However, claim 23, in view of its preamble and the preamble of its dependent claims, appears to be directed solely to a mobile station. Thus, it is unclear whether Applicant intends to claim solely a mobile station or an entire network. If Applicant intends to claim an entire network, then Applicant should change the preamble of claims 23-27 to reflect this intention. If Applicant intends to claim only an MS, then Applicant should include limitations in the claim that only cover the structure of the MS and not the functionality of devices distinct from the MS.

13. Claim 28 currently recites:

[a] PCF, in response to receiving the message from the BS, for sending a message to a Packet Data Serving Node PDSN, said PDSN, responsive to receiving the message from the PCF, for sending a message to a home Authentication, Authorization and Accounting AAA server, said home AAA server recording information that is indicative of a current location of the MS.

This recitation sets forth functionality for a PCF, a PDSN, and an AAA server. However, claim 28, in view of its preamble and the preamble of its dependent claims, appears to be directed solely to a base station. Thus, it is unclear whether Applicant intends to claim solely a base station or an entire network. If Applicant intends to claim an entire network, then Applicant should change the preamble of claims 28-32 to reflect this intention. If Applicant intends to claim only a BS, then Applicant should include limitations in the claim that only cover the structure of the BS and not the functionality of devices distinct from the BS.

14. Claim 34 recites both a network and method steps of using the network. “A single claim which claims both an apparatus and the method steps of using the apparatus is indefinite under 35 U.S.C. 112, second paragraph.” MPEP § 2173.05(p) (citing to *IPXL Holdings v. Amazon.com, Inc.*, 430 F.2d 1377, 1384, 77 USPQ2d 1140, 1145 (Fed. Cir. 2005)).

15. Each of claims 35 and 36 recite “A computer readable memory as in claim 34” in their preambles. Claim 34 recites: “A network comprising a plurality of computer readable memories”. It is unclear to which of the “plurality of computer readable memories” the preambles of claims 35 and 36 refer.

Allowable Subject Matter

16. Claims 2-4 and 6-22 are allowed. The prior art does not disclose or fairly suggest sending the registration signaling from the BS to the PCF, then to the PDSN, and finally to the AAA server.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL J. RYMAN whose telephone number is (571)272-3152. The examiner can normally be reached on Mon.-Fri. 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571)272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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